

SECRET

been careful to maintain the legal distinction between East Berlin and East Germany. Despite protests and pressures against the Allies and West Berliners (for example, marching the East German army through East Berlin on May Day), the presence of the GDR army was never flaunted in the city. All East Berlin legislation was kept distinct from GDR legislation; the latter became effective in East Berlin only by a cover law formula similar to that used in West Berlin for FRG laws. Only on rare occasions did GDR regulations inno facto have validity in East Berlin -- the September 8, 1960, decree was one, and it was allowed to lapse because of the consequences it incurred.

Refugee Camouflage for a Change in Status? Although careful to assert no infringement of Western Allied rights in Berlin, the USSR has to all intents and purposes now turned over military control of East Berlin to the East Germans, and East German troops are manning the sector controls in direct violation of four power agreement. By taking action under cover of publicity on the refugee movement, the bloc camouflages the vital element of its move -- the change in the status of East Berlin. This change is to be accomplished by a show of force which the Western Allies are expected to protest but also to learn to live with. The Soviet maneuver is thus well calculated to achieve two important Moscow aims: an end to the refugee flow and replacement of four-power responsibility by East German control over East Berlin. To the extent that the maneuver is not successfully challenged, it strengthens Moscow's hand vis-a-vis the West on the Berlin question.

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